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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,351	09/24/2001	Anders Lindberg	3372-0108P	6239
2292	7590	12/19/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/960,351

Applicant(s)

LINDBERG, ANDERS

Examiner

Annan Q. Shang

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/26/01</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by **Yi (6,094,427)**.

As to claim 1, note the **Yi** reference figs. 4 and 8-9, discloses a communications system handoff operation combining turbo coding and soft handoff techniques and further discloses a method of test receiving alternative reception frequencies in a receiver receiving a continuous flow of information at a first reception frequency, the continuous flow of information comprising a user terminating information, the receiver comprising an information transfer routine extracting a flow of specific user terminating information from the received continuous flow of information, characterized in that the method comprises the step of:

Determining (Search Receiver 'SR' 805/Control Processor Unit 'CPU' 816 'SR/CPU 805/816', fig.8, col.17, lines 20-39) an interruption in the flow of specific user terminating information (stream of digital data, voice, image, video, text file or multimedia, col.11, lines 65-67); Evaluating the interruption (SR/CPU 805/816, fig.8, col.17, lines 20-39) if it will be of an adequate length of time, and generating a positive

response if it is evaluated that the interruption will be of an adequate length of time (fig.8 and col.16, line 65-col.17, line 48);

Changing reception frequency of the receiver from the first reception frequency (CPU-816, fig.8, col.17, lines 20-39) to an alternative reception frequency if the evaluation has generate a positive response;

Test receiving the alternative reception frequency (CPU-816, fig.8, col.17, lines 20-39; enabling reception and extraction of the flow of specific user terminating information (col.17, lines 20-39); note that during handoff period between Base Station 'BS' A and Base Station 'BS' B, a Search Receiver 805 of Mobile Station 'MS' 401 (fig.4, col.11, 25-30, which includes 3 receivers), continuously scans the pilot signals from the base station currently serving the MS-401, as well as other BSs in the vicinity and measures the ratio "test" of the received pilot signal's energy-per-chip to the total received interference spectral density, including the noise as measure of the pilot signal strength, this information is communicated to CPU-816 to select and process signals from two different BSs A and B.

As to claims 2-3, Yi further discloses where the receiver is receiving the continuous flow of terrestrial digital video/audio broadcasting (DVB-T/DAB) transmission (col.11, lines 65-67).

As to claim 4, Yi further discloses where the interruption comprises the steps of: determining a probability that the interruption will be of an adequate length of time, determining if the probability is larger than a predetermined threshold value and if is

determined that the probability is larger than the predetermined threshold value then it is evaluated that the interruption will be of an adequate length of time (col.17, lines 20-39).

As to claim 5, Yi further discloses where an adequate length of time of an interruption is at least equal to a total time of one test reception and one frequency (col.17, lines 20-48).

As to claim 6, Yi further discloses where determining an interruption in the flow of specific user information (SUI) is done by prediction of an expected interruption in the receiver of the flow of SUI (col.17, lines 20-48).

As to claim 7, Yi further discloses where determining an interruption in the flow of SUI it is determined that an interruption in the flow of SUI has occurred by an indication by the information transfer routine (col.17, lines 20-48).

As to claims 8 and 9, Yi further discloses where determining an interruption in the flow of SUI it is determined that an interruption in the flow of SUI has occurred after a predetermined period of inactivity of the flow of SUI and after a timeout signal is generated by the information transfer routine (col.17, lines 20-48).

Claim 10 is met as previously discussed with respect to claim 1.

Claim 11 is met as previously discussed with respect to claim 1.

Claim 12 is met as previously discussed with respect to claim 1.

As to claims 13-14, Yi further discloses where enabling reception and extraction of the flow of specific user terminating information (SUTI) is performed after a predetermined time after the information transfer routine has requested more information (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65).

As to claims 15-16, further discloses where enabling reception and extraction of the flow of SUTI is performed after the information transfer routine is activated and after a predetermined period of time (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65).

As to claims 17-23, Yi further discloses determining a list of alternative frequencies, the claimed "changing reception frequency..." "test receiving the further alternative frequency (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65), evaluating the test reception or test receptions based on one or more parameters of the test received alternative frequency or frequencies, where enabling reception and extraction of the flow of USTI comprises changing the reception frequency to the first reception frequency and initiating a handover to an alternative frequency (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65).

As to claims 24-29, the claimed limitations are met as previously discussed with respect to claim 1.

As to claim 30, the claimed "a receiver being arranged to receiving a continuous flow of information..." is composed of the same structural elements that were discussed in the rejection of claim 1.

Claims 31-32 are met as previously discussed with respect to claims 2-3.

As to claims 33, Yi further discloses continuously evaluating and determining the best frequency within a predetermined time during the handoff (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65).

Claims 34-37 are met as previously discussed with respect to claims 17-23.

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wiedeman et al (6,661,996) disclose satellite communication system providing multi-gateway diversity to mobile user terminal.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**.



**Annan Q. Shang.**



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